

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STEVEN SANTIAGO,

Plaintiff,

v.

DENNIS BRODERICK, et al.,

Defendants.

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GARAUFIS, United States District Judge.

ORDER

03-CV-853 (NGG) (LB)

On August 12, 2005, Magistrate Judge Lois Bloom issued a Report and Recommendation (“R&R”) recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed because of plaintiff Steven Santiago’s longstanding failure to comply with the pretrial orders issued by Judge Bloom, as well as his repeated failures to timely appear for scheduled conferences with the court and opposing counsel. Objections to the R&R were due on September 1, 2005. No party has filed objections to the R&R.

In reviewing an R&R, this court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). In order to accept a Magistrate Judge’s R&R where no timely objection has been made, the “court need only satisfy itself that there is no clear error on the face of the record.” Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is “not facially erroneous”).

Dismissal of a complaint is a severe sanction. However, it is clearly warranted here,

where Santiago has declined, without explanation, to comply with the discovery schedule established by Judge Bloom on February 23, 2005, and twice failed, again without explanation, to appear at pre-trial conferences scheduled by Judge Bloom. These lapses occurred despite the fact that Santiago was warned on at least two occasions that this case could be dismissed if he did not appear in court as scheduled or otherwise failed to comply with the court's orders. I therefore adopt Judge Bloom's recommendation in its entirety. The plaintiff's case is hereby dismissed. The Clerk of the Court is directed to close this case and to mail a copy of this decision to the plaintiff.

SO ORDERED.

Dated: September 7, 2005
Brooklyn, N.Y.

/s/ Nicholas G. Garaufis
Nicholas G. Garaufis
United States District Judge